

*** All present are expected to conduct themselves in accordance with our City's Core Values ***



OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the Common Council of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**
 Date/Time: **Tuesday, April 8, 2014 at 7:00 pm.**
 Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**
 Members: **Bill Nagle, Romey Wagner, David Nutting, Jim Brezinski, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, David Oberbeck, Sherry Abitz, Robert Mielke**

Call to Order

Pledge of Allegiance / Roll Call / Proclamations

Presentations:

Public Comment: (Pre-registered citizens for matters appearing on the agenda)
 Communications: (Mayor / Alderpersons / Department Heads or designee)
 Committee Reports: (All standing and non-standing committees, commissions or boards)

File #	CMT	Consent Agenda	ACT
14-0301		Minutes of previous meetings. (3/25/14)	
06-0310	FIN	Resolution authorizing cancellation of United HealthCare Services, Inc. Parking Agreement	Approved 5-0
03-0306	FIN	Resolution Authorizing the write off of certain uncollectible delinquent personal property tax accounts from the City's accounting records	Approved 5-0
14-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 4-0

File #	CMT	Resolutions and Ordinances	ACT
14-0403		Confirmation of Mayor's Appointments.	
12-1205	CISM	Resolution postponing the street construction project of 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac	Approved 4-0
14-0404	FIN	Resolution approving alledged claim for excessive assessment - GE Capital Franchise Financial Corporation (Applebee's)	Pending
14-0405	FIN	Resolution approving alledged claim for excessive assessment - Financial Way, LLC	Pending
12-0313	FIN	Resolution approving alledged claim for excessive assessment - Sears Holdings Corporation	Pending
08-0406	FIN	Resolution approving alledged claim for excessive assessment - Walgreen Co. (105 Central Bridge Street)	Pending
14-0406	FIN	Resolution approving alledged claim for excessive assessment - Walgreen Co. (504 S. 17th Avenue)	Pending
14-0407	PH&S	Ordinance Creating Section 2.20.045 Enforcement of certain property violations	Approved 4-1
14-0407	PH&S	Ordinance Amending, Repealing and Creating the following sections of the Wausau Municipal Code to implement enforcement program for certain minor non-structural property code violations: Amending Section 1.01.025(c)(1)(B) and (C) Issuance of citations, Section 2.20.010 Purpose, Section 2.20.040 Uniform ordinance violation citation, Section 6.44.040 Solid waste containers, Section 6.44.060 Location of waste and recycling containers for collection, Section 6.44.080 Noncollectible materials, Section 6.44.100 Enforcement, Section 6.48.010 Mowing required, Section 6.48.020 Mowing by city, Section 8.08.220 Removal of animal excreta, Section 15.04.010 Created, Section 15.48.030 Permit required, Section 16.04.010 Housing code adopted, Section 16.04.020 Enforcement of BOCA Code by Marathon County, Section 16.04.035 Vehicles, Section 23.12.130 Off-street parking in yards, Section 23.12.133 Storage of recreational equipment in yards; Creating Section 6.48.040 Penalty; Repealing and recreating Section 6.44.090 Storing of refuse; Repealing Section 6.44.110 Penalties, Section 16.04.015 Section H-104.4 deleted, Section 16.04.016 Section H-301.7 A deleted	Approved 4-1

Public Comment & Suggestions - (for matters not appearing on the agenda)
Adjournment

Signed by James E. Tipple, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 04/03/14 @ 3:00 pm. Questions regarding this agenda may be directed to the City Clerk.

RESOLUTION OF FINANCE COMMITTEE

Authorizing cancellation of United HealthCare Services, Inc. Parking Agreement

Committee Action: Approved 5-0

Fiscal Impact: \$17,000 received for lost discounted parking revenue

File Number: 06-0310

Date Introduced: April 8, 2014

RESOLUTION

WHEREAS, a parking agreement was entered into between United HealthCare Services, Inc. and the City of Wausau on July 19, 2012, for the lease of parking stalls within parking ramps of the City; and

WHEREAS, United's subsidiary has elected to terminate its lease at its 200 Washington Street site, which site the parking stalls serve, as United is moving their employees to their owned building and new parking lot purchased from CVS Pharmacy; and

WHEREAS, the Lessee therefore no longer requires the 90 stalls in either or both of the City's Penney's or Jefferson Street parking ramps let under such agreement for their employee parking; and

WHEREAS, the Parking Agreement expires March 9, 2016, and does not provide for earlier termination; and

WHEREAS, your Finance Committee met on March 11, 2014, and directed staff to advise United Health that since they received a negotiated discount on parking fees for signing a long term agreement and purchasing bulk permits, they felt it would be fair to recover the discounted amount lost, in the amount of \$17,000; and

WHEREAS, United Health indicated on March 23, 2014, their willingness to pay the requested \$17,000; and

WHEREAS, they have requested the parking agreement be deemed terminated effective June 30, 2014; and

WHEREAS, the Finance Committee recommends termination effective June 30, 2014, upon payment of \$17,000 and authorization of the execution of a Termination of Parking Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau that the proper City officials are hereby authorized and directed to execute the Termination of Parking Agreement, a copy of which is attached hereto and incorporated herein by reference.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, March 11, 2014 @ 5:00 pm., Board Room

Members Present: Nagle (C), Oberbeck, Nutting, Winters

Not Present: Brezinski

Others Present: Tipple, Groat, Jacobson, Marquardt, Loy, M. Lawrence, Kellbach, Rasmussen, Wagner, Mielke, Goede, Berge, Dickinson, Debra Ryan.

Termination of the United Health Group parking lease.

Jacobson stated the parking lease is United Health Group effective until March 9, 2016 and there is no provision in the lease for early termination. She indicated she received a letter requesting early termination as of June 30, 2014. She noted this lease just applies to the 90 parking stalls in the Penney’s Ramp. Groat indicated she was told they were turning back the permits on April 1, 2014.

Groat stated there are a couple options, one of which is to just let them out of the lease. She explained they received a discounted parking permit because they had signed the long term agreement and were buying bulk purchase of permits. She stated another option would be to charge them for the balance of the rent, which would be \$37,700 or recover the discounted amount from the time the lease was signed through April 2014, which would be \$17,000.

Groat felt that recovering the rent discount was the right thing to do, however, the fact that it is a business in the community may be a consideration. She recommended that in future contracts an early termination clause be added so that it doesn’t have to come back to Finance Committee. Oberbeck stated we value their business in the City of Wausau and if \$17,000 is going to make a big difference, why do it, because we have the spaces available for another potential business downtown for office space development.

Winters suggested that staff be directed to tell them that since they negotiated a discount from us for time and volume and they are now not making those time and volume commitments, we feel it would be fair to at least recover the rent discount; and bring this item back to Finance.

FINANCE COMMITTEE

Date and Time: Monday, March 24, 2014 @ 5:15 pm., Council Chambers

Members Present: Nagle (C), Oberbeck, Brezinski, Nutting, Winters

Others Present: Tipple, Jacobson, Hardel, Barnes, Giese, Marquardt, Mielke, Kellbach, Gisselman, M. Lawrence, Werth, Seubert, Lapinski, Goede, Linda Karger, and other interested parties.

Consider request to terminate United Health Group parking lease.

Jacobson stated United Health Group has agreed to pay the rent discount of \$17,000 that she was directed to ask for.

Motion by Winters, second by Oberbeck to allow United Health Group to terminate their parking lease effective June 30, 2014 for a payment of \$17,000. Motion carried 5-0.

TERMINATION OF LEASE AGREEMENT

An early termination of Parking Agreement is made this 8th day of April , 2014, for that **PARKING AGREEMENT** made the 19th day of July, 2012, by and between United HealthCare Services, Inc., (“United”)(Lessee) and the City of Wausau (“City”)(Lessor), for the provision by the City to United of parking stalls within parking ramps of the City of Wausau.

WHEREAS, the Lessor and Lessee are parties to a Lease more particularly described above; and

WHEREAS, United’s subsidiary has elected to terminate its lease at its 200 Washington Street site, which site the parking stalls serve, as United is moving their employees to their owned building and new parking lot purchased from CVS Pharmacy; and

WHEREAS, the Lessee therefore no longer requires the 90 stalls in either or both of the City’s Penney’s or Jefferson Street parking ramps let under such agreement for their employee parking; and

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

The Lessor and Lessee hereby mutually agree, with no further notice required by either party, to terminate the Lease effective June 30, 2014, upon the payment of \$17,000.

CITY OF WAUSAU
Lessee

UNITED HEALTHCARE SERVICES, INC.
Lessor

Mayor

Name: _____
Its: _____

City Clerk

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE FINANCE COMMITTEE

Authorizing the write off of certain uncollectible delinquent personal property tax accounts from the City's accounting records

Committee Action: Approved 5-0

Fiscal Impact:

File Number: 03-0306

Date Introduced: April 8, 2014

WHEREAS the City of Wausau has an ongoing program for the collection of delinquent personal property taxes, however there are always some personal property taxes which are uncollectible due to various reasons (death of the taxpayer, bankruptcy, court settlement, etc.), and

WHEREAS, there is always a continuous effort to recover delinquent personal property taxes, and

WHEREAS, the Finance Committee has reviewed the list of 2012 delinquent personal property taxes on Attachment A and recommends the write off and charge back of these taxes as provided within the State of Wisconsin Statutes, Now Therefore

BE IT RESOLVED by the Common Council of the City of Wausau that the proper City Official(s) be and are hereby authorized and directed to write off the delinquent personal property taxes as outlined on Attachment A, from the Tax Adjustment account #110-25097410, a total of \$4,442.48 (the City's portion) in personal property taxes and \$7,123.22 from account #110-11145 in order to provide sound financial management.

BE IT FURTHER RESOLVED, by the Common Council of the City of Wausau that the proper City Official(s) be and are hereby authorized and directed to charge back to the appropriate governmental entities their share of these delinquent personal property taxes as outlined on Attachment A.

BE IT FURTHER RESOLVED, by the Common Council of the City of Wausau that the list of delinquent personal property taxes be entered into the minutes and published in the newspaper.

Approved:

James E. Tipple, Mayor

Exhibit A

2012 DELINQUENT PERSONAL PROPERTY TAX CHARGEBACKS

Advanced Auto Repair	U	\$ 370.28
Albee Property Mgmt LLC	U	104.06
Art, Books & Banter	I	33.88
Asian Star Market	O	220.23
Beachtime Tanning Salon	O	220.23
Big Bull Falls Landscaping	U	312.19
Century Financial	O	159.73
Country Coin/Collectible	I	53.24
Craig's Auto Service	O	154.89
D & H Systems Inc	U	130.69
Destiny Discount Leather	O	104.06
Farmers Insurance (Lynn Engman)	U	302.51
DMA Ventures (Foresight)	O	389.64
Grandma's Corner Café	I	50.82
The Hideout	U	135.53
Legacy Bar & Grill	B	636.49
IBC Sales Corporation	B	77.44
Ink Lust	O	108.91
Johnnie's Service Inc	U	663.11
Knoeck Equipment Inc	O	111.33
Kustom Auto & Repair	U	208.13
Ryan D Lister	U	467.08
Little Pod Thai	O	26.62
McClay Enterprises (Thomas St Laundromat)	O	309.77
Opportunity Realty	O	89.54
Papa Brats	O	258.95
Psychic Reader & Advisor	O	50.82
Pure Beauty Salons (Trade Secret)	B	568.73
RS Investments of Wausau (Breakaway)	O	851.88
Riverview Café & Bakery	O	130.69
Stange Law Office	U	624.39
Valley Construction Co/Badger Roofing of WI	U	827.68
Sugar Ray's Old Fashioned Candy	I	29.04
The Wright Place on 6th	B	636.49
Vector Marketing	O	53.24
Walden Book Company (Day by Day Calendar)	B	363.02
City Bike Works	U	513.06
Wausau Mfg Corp	I	4.84
Wausau Music Center Inc	B	488.86
Yao's Grand Dragon	B	<u>723.61</u>
		<u>\$ 11,565.70</u>

O - Out of Business

B - Bankruptcy

U - Unsatisfied Judgment

I - Immaterial amount/no response

Breakdown for resolution -

City of Wausau	4,442.48
State of Wisconsin	72.61
Marathon County	2,062.00
Wausau School District	4,185.18
NTC	<u>803.43</u>
	<u>11,565.70</u>

FINANCE AND COMMITTEE

Date and Time: Monday, March 24, 2014 @ 5:15 pm., Board Room

Members Present: Nagle (C), Oberbeck, Brezinski, Nutting, Winters

Others Present: Tipple, Jacobson, Hardel, Barnes, Giese, Marquardt, Mielke, Kellbach, Gisselman, M. Lawrence, Werth, Seubert, Lapinski, Goede, Linda Karger, and other interested parties.

Authorize the write off of certain uncollectible delinquent personal property tax accounts from the City's accounting records.

Groat stated we do this each year with the assistance of the Attorney's Office, which allows us to go back and collect the funds from the other taxing jurisdictions. She noted they do still attempt to collect the debt and if we are successful we redistribute it back to other jurisdictions.

Motion by Brezinski, second by Winters to approve authorizing the write off of uncollectible delinquent personal property tax accounts from the City's accounting records. Motion carried 5-0.

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Approving or Denying Various Licenses as Indicated

Committee Action: Approved 4-0

Fiscal Impact: None

File Number: 14-0108

Date Introduced: April 8, 2014

RESOLUTION

WHEREAS, your Public Health and Safety Committee considered certain license applications at its March 17, 2014 meeting and has made recommendations that are attached hereto in the meeting minutes and recommends these actions to the Council for its approval, now therefore

BE IT RESOLVED by the Common Council of the City of Wausau that the City Clerk be hereby authorized to issue the licenses on the attached list, incorporated as part of this resolution, according to recommendations made by the Public Health & Safety Committee and upon successful completion and acceptable proof that all applicable state and municipal regulations and requirements have been met by the applicants.

Approved:

James E. Tipple, Mayor

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

March 17, 2013 Meeting

AGENDA ITEM #7

Approve or deny various licenses as indicated on the attached summary report of all applications received.

ADDITIONAL INFORMATION

Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. Applications for Temporary Class B Retailer (Picnic) licenses for Holy Name SummerFun 2014, Newman Booster Club for Cabin Fever, and Wausau Stettin Lions Club for fair week.
2. Treu's Tic Toc applied and was approved by Zoning Administrator for Tavern Entertainment License to permit Karaoke and Bands with three musicians or less.
3. All applications have been recommended for approval; there were some applications pending approval at time of this report.
4. Special event applications included in committee packets for Hmong Heritage Month Parade, Holy Name SummerFun 2014, and Bicycle Wausau Safety.

STAFF RECOMMENDATION

Staff recommendation is to approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk

Date of Report: March 14, 2014

(715) 261-6621

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, March 17, 2014, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen (C), Gisselman, Kellbach, Winters, Wagner

Others Present: Alfonso, Hebert, Borchardt, Rayala, Hardel, Barnes, Marquardt, Werth, Goede, Nagle, Oberbeck, Dick Holster, Johnathan Frost, Phil Valitchka, Jennifer Maerz, David Raab.

Consider request for waiver of 3.06.010(a) Payment of taxes, claims forfeitures, judgments prior to issuance of license or permit, due to extraordinary financial hardship. (Johnathan Frost)

Johnathan Frost addressed the committee indicating he recently set up a payment plan with the Judge for Municipal Court fines totaling \$1,556.80 and is current with his payments. He stated he was seeking a bartender's license in order to move up to management in his job at Applebee's.

Chief Hardel stated he had spoken with Mr. Frost on the phone regarding his previous alcohol and drug violations and indicated approval to him, however, he did not have his actual criminal history record in front of him at that time. He has since reviewed the record and found that there are significant entries dating back to 2005, with a couple felony convictions for theft, as well as misdemeanor criminal damage to property convictions, domestic abuse, habitual criminality, disorderly conduct in 2009; resisting and obstructing in 2012; and OAR and bail jumping in 2013. Hardel stated he is now recommending that the committee not approve the bartender's license application. He requested that Mr. Frost be refunded the license fee since he had applied and paid with the understanding that he would be approved.

Frost acknowledged that he had a bad criminal history but was trying to turn his life around; he was not looking to bartend, he just wanted to move up to management. He stated he just got his license back and has the I.I.D. in his car and was trying to do everything by the book now. He noted he had an Operator's license in Weston and had no issues with it. He questioned what he would have to do to get a license in the city. Hardel responded that he supported his initiative to get himself on the right track, but he would need him to go at least a couple years without any violations before he would consider approval for a license.

Motion by Winters, second by Kellbach to waive the requirement to hold the license for the payment of fines owed to the city by Johnathan Frost. Motion failed 0-5.

Consider various license applications.

Rasmussen referred to the list of license applications before the committee and noted that the Operator's license for Johnathan Frost has been recommended for denial.

Motion by Gisselman, second by Kellbach to approve or deny the various applications as recommended by staff. Motion carried 4-0. (*Winters exited the meeting prior to this item.*)

HEALTH AND SAFETY LIST
 ALL LICENSES
 MARCH 17, 2014

 REPORT ID: LRS530I
 RUN DATE: 4/01/14
 RUN TIME: 8:50:29

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOICATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
WISCONSIN COLLEGE BASEBALL LLC PO BOX 6157 WAUSAU, WI 54402-6157	2014	3/19/2014	4/15/2014	10/15/2014		WISCONSIN WOODCHUCKS	CLASS B BEER & LIQUOR 1/2	___	___	___	___
HOLY NAME OF JESUS PARISH 1104 S 9TH AVE WAUSAU, WI 54401	2014	2/27/2014	6/06/2014	6/08/2014		SUMMERFUN 2014	TEMP CLASS B RETAILER	___	___	___	___
NEWMAN CATHOLIC SCHOOLS BOOSTE ATTN: JILL MABRY 1130 W BRIDGE ST WAUSAU, WI 54401	2014	3/06/2014	4/12/2014	4/12/2014		CABIN FEVER	TEMP CLASS B RETAILER	___	___	___	___
WAUSAU STETTIN LIONSCLUB INC PO BOX 414 WAUSAU, WI 54402-0414	2014	3/10/2014	7/29/2014	8/03/2014		WAUSAU STETTIN LIONS	TEMP CLASS B RETAILER	___	___	___	___
DIEDRICH, JAMESON T 630 1/2 N 3RD STREET APT #5 WAUSAU, WI 54403	2013	3/05/2014		6/30/2014		DAY'S BOWL-A-DOME	OPERATOR NEW	___	___	___	___
DUMDEI, LOGAN 702 1/2 STEUBEN ST WAUSAU, WI 54403	2013	3/03/2014		6/30/2014		THE GLASS HAT	OPERATOR NEW	___	___	___	___
DURANCEAU, PATRICK M 3401 MARTIN AVE WAUSAU, WI 54401	2013	2/18/2014		6/30/2014		DEN MAR TAVERN	OPERATOR NEW	___	___	___	___
EASTMAN, MEGAN L 4909 CORAZOLLA DRIVE SCHOFIELD, WI 54476	2013	2/12/2014		6/30/2014		SIDETRACKED	OPERATOR NEW	___	___	___	___
FRITSCH, TERI E 113 1/2 S 7TH STREET WAUSAU, WI 54403	2013	2/19/2014		6/30/2014		R STORE #5	OPERATOR NEW	___	___	___	___
FROST, JOHNATHAN C 724 S 9TH AVE WAUSAU, WI 54401	2013	2/26/2014		6/30/2014		APPLEBEE'S NEIGHBORH	OPERATOR NEW	___	___	___	___
GARDNER, SARAH J 524 1/2 HAMILTON ST WAUSAU, WI 54403	2013	2/26/2014		6/30/2014		VARIOUS	OPERATOR NEW	___	___	___	___
HOFFMANN, BETTY J 734 FOREST ST WAUSAU, WI 54403	2013	3/06/2014		6/30/2014		R-STORE #34	OPERATOR NEW	___	___	___	___
KALLIN, DYLAN J 715 LINCOLN AVENUE WAUSAU, WI 54403	2013	3/06/2014		6/30/2014		WAUSAU BP	OPERATOR NEW	___	___	___	___

HEALTH AND SAFETY LIST
 ALL LICENSES
 MARCH 17, 2014

 REPORT ID: LRS530I
 RUN DATE: 4/01/14
 RUN TIME: 8:50:29

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
PARRISH, JESSICA D 1105 GRAND AVE WAUSAU, WI 54403	2013	2/19/2014		6/30/2014		R STORE #6	OPERATOR NEW	___	___	___	___
REVOIR, TERRAH A 3606 SCHOFIELD AVE APT 8 SCHOFIELD, WI 54476	2013	2/20/2014		6/30/2014		TREMOR'S BAR	OPERATOR NEW	___	___	___	___
RINDFLEISCH, TYLER J 704 15TH STREET MOSINEE, WI 54455	2013	3/11/2014		6/30/2014		KWIK TRIP #322	OPERATOR NEW	___	___	___	___
SCHAUDER, JOSEPH A 623 N 4TH AVE WAUSAU, WI 54401	2013	2/26/2014		6/30/2014		THE STORE #62	OPERATOR NEW	___	___	___	___
SCHIMON, KIMBERLY A N3714 GRAHL DR MEDFORD, WI 54451	2013	3/10/2014		6/30/2014		WALGREENS #13371	OPERATOR NEW	___	___	___	___
SPIRE, KATHERINE L 5111 CORAZOLLA DR SCHOFIELD, WI 54476	2013	3/05/2014		6/30/2014		BUNKERS/TRIBUTE GOLF	OPERATOR NEW	___	___	___	___
TESMER, MAUREEN T 5104 SUNSET ST WESTON, WI 54476	2013	3/10/2014		6/30/2014		WALGREENS #13371	OPERATOR NEW	___	___	___	___
THEILER, MACKENZIE G 1503 N 15TH AVE WAUSAU, WI 54401	2013	2/28/2014		6/30/2014		WAUSAU ELKS CLUB 248	OPERATOR NEW	___	___	___	___
YANG, TONG 2121 GLENDALEN RD MOSINEE, WI 54455	2013	2/14/2014		6/30/2014		R-STORE #31	OPERATOR NEW	___	___	___	___
FENHAUS, FRED 1402 N 13TH ST WAUSAU, WI 54403-5170	2014	3/10/2014	7/29/2014	8/03/2014		WAUSAU STETTIN LIONS	OPERATOR TEMPORARY	___	___	___	___
WILCOX, JANE 3405 FALCON WAY WAUSAU, WI 54401	2014	2/27/2014	6/06/2014	6/30/2014		SUMMERFUN FESTIVAL 2	OPERATOR TEMPORARY	___	___	___	___
BEHRENS, DANIELLE N 511 FRANCIS ST ROTHSCHILD, WI 54474	2013	3/10/2014		6/30/2015		VARIOUS	OPERATOR LAPSED	___	___	___	___
BRENDEMUEHL, BRANDY J 13130 1/2 N 3RD ST WAUSAU, WI 54403	2013	2/28/2014		6/30/2015		6TH STREET PUB	OPERATOR LAPSED	___	___	___	___

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Postponing the street construction project of 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac

Committee Action: Approved 4-0

Fiscal Impact: None at this time.

File Number: 12-1205

Date Introduced: April 8, 2014

WHEREAS, 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac was proposed to be reconstructed in 2014, and

WHEREAS, the Community Development Authority owns a vacant parcel of land at 303-307 South 2nd Avenue, and

WHEREAS, several years ago this property was occupied by a dry cleaner and contamination is present on the parcel, and

WHEREAS, the Community Development Authority is working with AECOM to determine the limits of the contamination, and

WHEREAS, the DNR has requested that additional borings be taken to determine if the contamination is located within the 2nd Avenue right-of-way, and

WHEREAS, AECOM, along with the DNR, do not feel there is enough time to allow for sample borings to be taken and regulatory reviews completed to meet a mid-summer road construction schedule, and

WHEREAS, postponing the project would also allow for some, if not all, of the investigation and/or remediation costs to be covered under the Drycleaner Environmental Response Fund, and

WHEREAS, the Capital Improvements and Street Maintenance Committee discussed the proposed project at its meeting on March 26, 2014 and recommends postponing the project of 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac until 2015; now therefore

BE IT RESOLVED that the Common Council approves postponing the street construction project of 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac until 2015.

Approved:

James E. Tipple, Mayor

AGENDA ITEM
<p>Make recommendation on the construction schedule for 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac.</p>
BACKGROUND
<p>The Community Development Authority owns a vacant contaminated parcel at 303/307 South 2nd Avenue. This parcel was home to a dry cleaner. Currently, the DNR is working with the CDA to develop a plan to eliminate the vapor that is getting into nearby buildings. The DNR is now asking the City to do additional borings to determine if the contamination is in the 2nd Avenue right-of-way and would be impacted with the street reconstruction. According to AECOM, the CDA's consultant, and the DNR, they do not believe there is enough time to do the boring and reporting and still get the street built this year.</p> <p>In addition, we would need to send out the public hearing notices by the end of this week in order to have a public hearing before the April CISM meeting. This would allow work to begin in mid to late June. However, WPS, Frontier and Charter are waiting to see if we have a project before they start with their underground work, including ordering the necessary materials to do the job. So we are at the proverbial drop dead date and a decision needs to be made to either press on or delay this project until 2015.</p>
FISCAL IMPACT
<p>According to the DNR, there is a potential for a portion, if not all, of the investigation and/or remediation costs to be covered under the Drycleaner Environmental Response Fund (DERF) associated with the Kraft Cleaners site. We do not have an estimate of these costs at this time.</p>
STAFF RECOMMENDATION
<p>At this point, it would seem we would be in the best position to postpone the reconstruction work until 2015.</p>
<p>Staff contact: Brad Marquardt 715-261-6745</p>

Lori Wunsch

From: Brad Marquardt
Sent: Monday, March 24, 2014 12:58 PM
To: Lori Wunsch
Subject: FW: Street Project (Kraft Cleaners)

Please include this email in the cism packet.

From: SENFELDS, DAVID [mailto:DAVID.SENFELDS@aecom.com]
Sent: Wednesday, March 19, 2014 6:18 PM
To: Kevin Fabel
Cc: Brad Marquardt; Allen Wesolowski; Wagoner, Kyle
Subject: RE: Street Project (Kraft Cleaners)

Kevin,

After talking with Lisa Gutknecht, the biggest issue for the 2nd Avenue reconstruction project is the potential for dry cleaning chemicals from the former Kraft Cleaners site to have impacted soils within the right-of-way (ROW) west of the Kraft Cleaners site and possibly beneath the existing sanitary and storm sewer lines that run along 2nd Avenue. Prior to construction, the following investigations would need to be completed to determine if remediation within ROW would be required during construction:

1. Additional soil borings to define the extent of contamination west of the former Kraft Cleaners site. Currently, we do not have any "clean" borings on the western portion of the site, which raises the concern that contaminants may extend beyond the property boundary and into the 2nd Avenue ROW. Unfortunately, contamination from dry cleaning chemicals (predominantly PCE) is very difficult if not impossible to detect in the field using conventional field screening methods. As a result, the only practical way to determine if contamination exists is to collect samples and then have them laboratory analyzed. This approach takes time and usually precludes the option of "just dealing with it" during construction. In addition, there is also a possibility that the contamination would be classified as a hazardous waste for disposal purposes. If this is the case, special waste management requirements would need to be implemented, which typically increases, quite substantially, both the coordination time as well as the overall waste treatment and disposal costs.
2. Utility assessment to determine if there may be areas where contaminants could have leaked from the storm/sanitary sewer lines and, if so, test the soils in these areas to determine whether contamination is present. This would first require conducting or reviewing sewer line televising results to determine if there are potential areas of concern. If so, sampling in these areas would need to be conducted. If the televising results are inconclusive or do not indicate any obvious breaches in the sewer lines, a general sampling program would still need to be implemented at various locations within ROW to determine if any releases had occurred along the sewer lines due to the likely age of the sewer lines and likelihood that dry cleaning chemicals were released into the sanitary and/or storm sewers.

Based on my conversation with Lisa Gutknecht, we are both of the opinion that it would be very difficult at this time to be able to complete the necessary environmental investigation work in time to construct the project this year because of the nature of the contamination and the length of time the investigation and remedial action planning/approval process would take if contamination is found to be present within ROW. If contamination is not detected within ROW, the time frame would be much shorter; however, I'm not sure that at this point there is even enough time to get the necessary information and regulatory reviews completed to meet a mid-summer construction schedule. Also, the main focus of our investigation is currently the potential impacts to adjoining properties associated with vapor intrusion,

which is a much higher priority for the WDNR at this time due to the potential health concerns to the occupants of the adjoining buildings. I believe that Lisa would prefer that our efforts continue to be focused on mitigating these potential vapor intrusion issues first before looking at the potential impacts to the 2nd Avenue ROW.

My recommendation would be to consider postponing the project for this year to allow us the time to complete the appropriate investigation and then work through any regulatory approvals that may be necessary for managing potential contamination that may be encountered during construction. As Lisa indicated,, this would also allow for at least a portion, if not all, of the investigation and/or remediation costs to be covered under the Drycleaner Environmental Response Fund (DERF) associated with the Kraft Cleaners site.

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www.aecom.com

From: Kevin Fabel [<mailto:Kevin.Fabel@ci.wausau.wi.us>]
Sent: Wednesday, March 19, 2014 2:23 PM
To: SENFELDS, DAVID
Cc: Brad Marquardt; Allen Wesolowski
Subject: Street Project (Kraft Cleaners)

Dave,

Any luck on getting some direction from WDNR regarding what would be necessary for us to move ahead with the street project adjacent to Kraft Cleaners?

I still assume you are putting together the summary we spoke about last week.

Thanks,

Kevin

=====

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CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 26, 2014, at 5:30 p.m. in the Birch Room of City Hall.

Members Present: Rasmussen, Gisselman, Kellbach, Mielke (Abitz was excused.)

Also Present: Oberbeck, Lenz, Wesolowski

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:30 p.m. Chairperson Rasmussen called the meeting to order.

Make recommendation on the construction schedule for 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac

Rasmussen explained that recent developments have come forth regarding the old dry cleaner site on 2nd Avenue which could cause a delay in the street construction project. However, grant funding may be available for contamination cleanup.

Wesolowski stated that the Community Development Authority is working with the DNR and AECOM to determine the extent of the contamination. They are completing a preliminary investigation and have not been able to obtain clean samples going toward the street. Staff proposed obtaining more borings closer to the right-of-way in hopes of getting clean samples near the road so we could move forward with the project. AECOM is working with Community Development and Lisa Gutknecht with the DNR. They do not feel it is possible to get the testing done and get the project built this year.

Rasmussen stated it is important to understand that if we went ahead with the project without a determination of the extent of the contamination and ran into contamination during the project, the City would have to pay for all remediation. Wesolowski indicated that Community Development is paying for the testing and working on obtaining the funding for cleanup from the Drycleaner Environmental Response Fund. Oberbeck has spoken with Dawn Follendorf of Main Street and it might be an advantage to delay the project as we have not received the comprehensive plan for the entire area yet. He questioned if they would go into the actual site for remediation as that would be another big benefit for future development. Lenz stated they are investigating not just that property but surrounding properties as well. Wesolowski explained that the contamination could also have gone further as contaminants were possibly dumped into the sanitary sewer. The sanitary sewer will be checked to see if there are any cracks in the lines where contaminants could have leaked down the street.

Mielke asked if delaying the project would create any additional costs. Oberbeck replied it depends upon the cost of concrete. Wesolowski spoke of the public hearing for special assessments on the project. Staff was planning on holding the public hearing on April 7 and the notice would have to go out this week. If the project does get delayed, a letter would be sent out to notify the property owners.

Deb Ryan of the Westies Group stated converting the overhead utilities to underground may also want to be put on hold until the environmental cleanup is completed. Wesolowski replied WPS has been made aware of the possible delay. Ryan stated if contaminants were carried through the sewer lines they would not want that stirred up by the construction project. She does not feel the neighbors would be concerned with delaying the project. Wesolowski stated it would have been a rush to get the project out the door with dealing with burying utilities and other features of the plan, and now with the possible contamination it would be more difficult.

Mielke moved to postpone the project of 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac to 2015. Gisselman seconded.

Mielke noted that although he is in favor of delaying, he hopes the costs do not rise substantially as he does not want to surprise the residents with a much higher cost. Oberbeck commented that when you are dealing with underground and existing conditions you need to have a contingency.

Gisselman asked staff to keep the committee informed on the progress as the Near West Side has been a major project. Wesolowski explained that GRAEF is under contract and he plans to move ahead with construction plans and have the design completed this fall. The project will be back on schedule for summer of 2015, with WPS burying the utilities first and street construction in June or July. Oberbeck stated when looking at TIF 8, unveiling a comprehensive plan for the entire district before going ahead with the street project is a positive move. Oberbeck added it would be easier to sell the area for future development if there is an overall concept.

There being a motion and a second, motion to approve postponing the project of 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac to 2015 carried unanimously 4-0.

Rasmussen asked Lenz to work with Follendorf to contact the stakeholders and also asked Ryan to notify the Westies Group.

Adjourn

Mielke moved to adjourn the meeting. Kellbach seconded and the motion carried unanimously 4-0. Meeting adjourned at approximately 5:45 p.m.

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Creating Section 2.20.045 Enforcement of certain property violations

Committee Action: Approved 4-1

Ordinance Number:

Fiscal Impact: Revenue generated by potential forfeitures - undetermined

File Number: 14-0407

Date Introduced: April 8, 2014

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 2.20.045 Enforcement of certain property violations, is hereby created to read as follows:

2.20.045 Enforcement of certain property violations. (a) Findings. The Wausau City Council has determined that correction of certain minor, non-structural code violations concerning real property would be greatly enhanced by timely enforcement and the collection of a forfeiture designed to encourage code compliance, defray the administrative costs of enforcement, but which does not carry the additional burden of court costs on property owners, occupants, or other persons in charge of real property. The City Council finds that the issuance of warning letters in advance of enforcement of these minor, non-structural violations is a time-consuming and staff-intensive way to achieve code compliance and permits blighted or other unsightly conditions to linger in city neighborhoods to the detriment of the community and surrounding property owners and residents. This ordinance is enacted to encourage property owners, occupants, and other persons in charge of real property to exercise their responsibility to ensure that the following city ordinances governing the condition and maintenance of property are followed to improve conditions in city neighborhoods and to protect the health, safety and welfare of the public.

(b) Notice of Property Violation. In lieu of issuing a municipal uniform ordinance violation citation under section 1.01.025 for code violations set forth in subsection (c), officials authorized pursuant to sections 1.01.027 or 2.20.040 of this code may issue a Notice of Property Violation to the real property owner, occupant, or other person in charge of the real property served by 1st class mail or as provided under Wis. Stat. s. 801.11(1)(a) and (b), (5), and (6). The Notice of Property Violation shall provide for a forfeiture upon stipulation as provided in subsection (c) and shall provide that such forfeiture shall be paid only upon the agreement or stipulation of the alleged violator to the violation and the forfeiture amount.

(c) Violations. The forfeiture upon stipulation for the following minor, non-structural code violations relating to real property defined in the respective code reference shall be in accordance with the following schedule:

Location of waste container violations	[6.44.040(c)]	\$30.00
Waste container curbside hour violations	[6.44.060]	30.00
Noncollectible materials	[6.44.080]	30.00
Storing of refuse	[6.44.090]	30.00

Failure to mow	[6.48.010]	30.00
Removal of animal excreta	[8.08.220]	30.00
Obstructions and encroachments prohibited	[12.44.020]	30.00
Permits required, unapproved signs	[15.48.030]	30.00
Signs on city property	[15.48.120]	30.00
Unregistered, unlicensed and junk vehicles	[16.04.035]	50.00
Off-street parking in yards	[23.12.130]	30.00
Storage of recreational equipment in yards	[23.12.133]	30.00

(d) Stipulation to Violation. An alleged violator noticed under subsection (b) may, but is not required to, enter into a stipulation of guilt or no contest to the violation and to the forfeiture set forth in subsection (c) by paying the stipulated amount within fourteen (14) days of the issuance date of the

Notice of Property Violation. The amount of the stipulated forfeiture shall be paid in cash, money order, or bank check to the city clerk. A stipulated forfeiture shall not be deemed timely where any payment made by check is dishonored by the bank. In the event the alleged violator elects not to enter into a stipulation with respect to the violation and pay the forfeiture as provided herein, the city may issue the alleged violator a municipal uniform ordinance violation citation pursuant to section 1.01.025, commencing an action in municipal court and providing the alleged violator the opportunity, among other things, to enter a plea of not guilty and to contest the alleged violation through trial. In such cases, the penalty for the violation upon successful prosecution shall include the costs of prosecution imposed as provided in section 1.01.025(c)(2) and chapter 2.19.

(e) Review of Notice of Property Violation. An alleged violator may obtain review of the Notice of Property Violation by submitting a written request for review together with any relevant information and a copy of the notice to the chief inspector, zoning and inspection division within fourteen (14) days of the issuance date of the notice. The alleged violator will have fourteen (14) days from the date of an adverse decision on the request for review to enter into a stipulation of guilt or no contest to the violation and pay the forfeiture set forth in subsection (c) if he/she so elects. In the event the alleged violator elects not to enter into a stipulation, the city may issue the alleged violator a municipal uniform ordinance violation citation as provided in subsection (c). In the event the chief inspector finds in favor of the alleged violator, the Notice of Property Violation will be dismissed. The city elects not to be bound by Chapter 68, Wisconsin Statutes with respect to administrative procedure in this regard.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, March 17, 2014, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen (C), Gisselman, Kellbach, Winters, Wagner

Others Present: Alfonso, Hebert, Borchardt, Rayala, Hardel, Barnes, Marquardt, Werth, Goede, Nagle, Oberbeck, Dick Holster, Johnathan Frost, Phil Valitchka, Jennifer Maerz, David Raab.

Discussion and possible action on immediate enforcement of certain property violations including:

- a. **Amending, repealing and creating sections of the Wausau Municipal Code to implement enforcement program for certain minor, non-structural property code violations:**
Amend Section 1.01.025(c)(1)(B) and (C) Issuance of citations, Section 2.20.010 Purpose, Section 2.20.040 Uniform ordinance violation citation, Section 6.44.040 Solid waste containers, Section 6.44.060 Location of waste and recycling containers for collection, Section 6.44.080 Noncollectible materials, Section 6.44.100 Enforcement, Section 6.48.010 Mowing required, Section 6.48.020 Mowing by city, Section 8.08.220 Removal of animal excreta, Section 15.04.010 Created, Section 15.48.030 Permit required, Section 16.04.010 Housing code adopted, Section 16.04.020 Enforcement of BOCA Code by Marathon County, Section 16.04.035 Vehicles, Section 23.12.130 Off-street parking in yards, Section 23.12.133 Storage of recreational equipment in yards; Create Section 6.48.040 Penalty; Repeal and recreate Section 6.44.090 Storing of refuse; Repeal Section 6.44.110 Penalties, Section 16.04.015 Section H-104.4 deleted, Section 16.04.016 Section H-301.7 A deleted.
- b. **Create Section 2.20.045, Enforcement of certain Property violations.**

Alfonso indicated she set some fines at \$30 and junk vehicles at \$50, but they were free to change it if they wish.

Dave Oberbeck questioned to what extent this was an issue, as far as garbage cans being left out, that we are actually going to fine people for it. Someone may be working and unable to put it away and will get cited for \$30. He had an issue with penalizing everyone and not solving the problem. He felt we seem to be creating more and more ordinances lately.

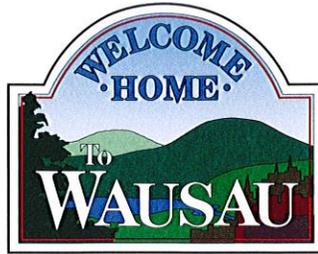
Lt Barnes clarified that currently citizens of Wausau receive \$124 citation for not having their refuse containers brought back in; that's assuming they are issued a citation for it. He explained one of the reasons we wanted this type of fine structure is because it is far more reasonable to issue a \$30 citation than one for \$124, which is very high. The \$30 citation allows the CSO's to have a conversation and not have people so upset with them that they are refusing to listen. He stated part of the plan is to work with these residents to make sure that these issues no longer exist, but at some point there has to be some type of punitive forfeiture available as part of that process.

Barnes indicated there will be a lot of time spent training the CSO's on when and how to use discretion in writing citations. The intention is to change behaviors, not just to punish and fine people. Wagner felt this is exactly what we as a community need because the face-to-face communication and educational elements are what have been missing. Barnes noted the CSO's have the option, depending on how egregious or repetitive the situation is, to choose between the \$30 ticket and a municipal citation for \$135 with court costs associated with it.

Rasmussen questioned if we can have the communication with residents without the fines. She was concerned about new residents who may not be aware of all the regulations. Oberbeck stated ordinance is for an "immediate citation," so if you don't write the citation you are selectively enforcing. He felt the ordinance should provide for a certain amount of direct contacts and then a citation, rather than picking and choosing. Barnes stated he had faith in his CSO's ability and sometimes the citation will be immediate. Winters stated he was very comfortable with this as presented and with the discretion.

Winters stated the violations on this list make up about 70% of the warning letters that were issued by the Inspections staff in 2013. If we are able to hire CSO's for neighborhood patrols, this is going to be a significant lifting of work load for the Inspections staff and free them up to work on the program for landlord licensing. He commented hiring temporary employees and an additional clerical employee will cost money and he would rather it came from the people causing the problems before going to the general tax payer.

Motion by Winters, second by Wagner to approve ordinances on immediate enforcement of certain property violations. Motion carried 4-1 (*Rasmussen was the dissenting vote.*)



Office of the City Attorney

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

COMMENTS REGARDING DRAFT ORDINANCE AND ORDINANCE
AMENDMENTS FOR ENFORCEMENT OF CERTAIN PROPERTY VIOLATIONS

- This office was requested to prepare proposed ordinance amendments to implement an enforcement program for certain minor, non-structural code violations concerning real property without sending warning letters in advance of enforcement as is currently being done. A copy of the proposal for enforcement is attached ("Proposal"). It is our understanding the Proposal also seeks to implement a forfeiture arrangement which would encourage code enforcement, defray the administrative costs of enforcement, but would not carry the additional burden of court costs on property owners, occupants, or other persons in charge of real property.
- The code references to the fourteen (14) specific ordinances encompassed by the eight (8) categories of violations set forth in the Proposal are contained in the attached table.
- In their current form, most of the relevant ordinances permit citation of violations without prior notice. Exceptions include the ordinance prohibiting unregistered and junk vehicles and those ordinances which permit the city to step in and take action to remedy a violation and charge the cost of the city service to the property (such as mowing grass or removing obstructions from public ways). The proposed ordinance revisions do not remove the advance notice requirement in those situations where the city remedies the violation itself and seeks to assess the costs of correction against the property. However, advance notice under the proposed revisions would not be required simply to cite individuals for these violations, or otherwise attempt enforcement.
- At the current time, a written warning of a code violation is sent by the Division of Inspection and Zoning ("Inspection and Zoning") and provides an opportunity for a property owner to submit tenant information to the division which then permits a violation to be pursued against a tenant rather than the property owner where appropriate. To implement the Proposal, certain amendments have been made to various ordinances to ensure that a violation can be asserted against a property owner, an occupant, or other person in charge of the property, as tenant information may not always be readily available to enforcement personnel.
- As the Proposal favorably recognizes the city's vehicle parking control model, a new proposed ordinance has been created to include a mechanism similar to that model where an alleged violator is notified of the violation under a "Notice of Property Violation" (which would be similar in many respects to a parking citation) and given the

opportunity to stipulate to the violation and the forfeiture without involving the municipal court system by paying the stipulated amount to the city clerk within fourteen (14) days. However, the only method for enforcement and collection of the forfeiture under the Notice of Property Violation absent a voluntary stipulation and payment, i.e., the agreement of the alleged violator, would be a municipal court proceeding or a proceeding in Small Claims Court. See, Wis. Stat. s. 66.0114.¹ Therefore, under the proposed ordinance, in the event the alleged violator did not agree to stipulate to the violation and the forfeiture, the city would enforce the code violation by issuing a municipal uniform ordinance violation citation (“municipal citation”) which would then proceed through the municipal court. Once the matter is before the municipal court, a successful prosecution would result in a judgment in favor of the city for the forfeiture and require the violator to pay court costs imposed by state law. The municipal court proceeding would also provide a violator with his/her due process rights for the opportunity to contest the matter with a hearing on the merits.

Under the proposed ordinance, an alleged violator would additionally have the opportunity to request a review of the violation from the chief inspector of Inspection and Zoning prior to either stipulating to the forfeiture contained in Notice of Property Violation or the issuance of a municipal citation.

- Under this program, the city retains the ability to enforce violations of the municipal code relating to these property matters through the immediate issuance of “regular” municipal citations proceeding directly to municipal court in appropriate cases.
- The Police Chief has the authority to delegate citation authority to Community Service Officers pursuant to Wis. Stat. s. 66.0113(2)(1) and WMC s. 1.01.027. Therefore, this process could be implemented by both the Police Department and Inspections and Zoning.
- The proposed forfeiture amount under the Notice of Property Violation would be \$30.00 for the identified violations except unregistered and junk vehicle violations which would be \$50.00.
- For informational purposes a range of municipal court forfeitures, which includes court costs is:

Penalty	26% Penalty Assessment	Crime Lab Fee	Jail Assessment	Costs	Total
\$10.00	2.60	13.00	10.00	38.00	\$73.60
20.00	5.20	13.00	10.00	38.00	86.20
25.00	6.50	13.00	10.00	38.00	92.50
30.00	7.80	13.00	10.00	38.00	98.80
40.00	10.40	13.00	10.00	38.00	111.40
50.00	13.00	13.00	10.00	38.00	124.00

¹ By state statute, parking citation forfeitures are able to be enforced by the suspension of the vehicle registration of the vehicle involved or refusal of the registration of any vehicle owned by the person cited upon notification by a municipality to the Department of Motor Vehicles of non-payment. See, Wis. Stat. s. 345.28(4). This enforcement mechanism is not available for property violations. Wis. Stat. s. 66.0114 provides that forfeitures and penalties imposed by city ordinance are collected in a municipal court action or before a court of record (i.e., a circuit court).

- Of these various charges, only the cost item has any flexibility under state statute. By statute, a municipal judge “shall collect a fee of not less than \$15 nor more than \$38 on each separate matter.” Wis. Stat. s. 814.65(1). By ordinance, W.M.C. s. 1.10.025(c)(2), the city adopts the maximum amount permitted under the statute.
- As an alternative to the parking model, violators of these minor, non-structural violations could be issued a municipal citation directly, with an ordinance amendment to W.M.C. s. 1.10.025(c)(2) reducing the court costs for these identified violations from \$38.00 to \$15.00 thereby reducing the overall cost to the property owner, occupant, or other person in charge of the property in a successful municipal court prosecution to the following:

Penalty	26% Penalty Assessment	Crime Lab Fee	Jail Assessment	Costs	Total
\$10.00	2.60	13.00	10.00	15.00	\$50.60
20.00	5.20	13.00	10.00	15.00	63.20
25.00	6.50	13.00	10.00	15.00	69.50
30.00	7.80	13.00	10.00	15.00	75.80
40.00	10.40	13.00	10.00	15.00	88.40
50.00	13.00	13.00	10.00	15.00	101.00

Keene T. Winters
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WAUSAU COMMON COUNCIL

DATE: December 12, 2013
TO: Lisa Rasmussen, Chairperson
Public Health & Safety Committee
FROM: Keene Winters, Alderman *KW*
SUBJECT: "Ticketable" Property Code Violation

This is the proposal that was presented at the budget meeting. We would like to see it scheduled for a hearing in Public Health & Safety.

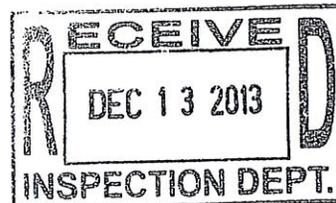
The goal is to replace the BOCA-model of property code enforcement with a "parking-control" model of enforcement for minor, non-structural violations. We think the advantages of this approach are as follows:

1. It will save staff time & mailing costs
2. It will correct behavior more efficiently
3. It will raise revenue until compliance improves

This proposal also contemplates that the violation of having "grass too long" will be taken out of the Engineering Department and included with this group of violations.

We look forward to seeing this on the committee agenda.

cc: Bill Hebert, Inspections
Romey Wagner, Alderman
Bill Nagle, Alderman
Rob Mielke, Alderman



**PROPOSED 2014 BUDGET AMENDMENT TO PROVIDE
IMMEDIATE TICKETS RATHER THAN WARNING LETTERS FOR
EIGHT SPECIFIC PROPERTY CODE VIOLATIONS**

**Sponsors: Wagner, Winters, Nagle & Mielke
Projected New Revenue: \$45,450**

This change in fines is aimed at discouraging blight. At present, all violation of the city's property codes are drawn to the attention of violators with one or more warning letter and a series of return visits by city staff. It is a time-consuming and staff-intensive way to try to alter behavior. For example, the habitually reluctant landowner knows he or she can let his or her grass grow taller and taller without fear of a fine until he or she receives a warning letter from city staff. Property inspection—as everyone knows—works on a warning letter first basis.

By contrast, we use a different and more efficient procedure to police parking violations in the downtown and elsewhere in the city. If a member of the Parking Control staff finds that a vehicle has over-stayed its time in a parking spot, a ticket with a fine is immediately placed on the car's windshield with no pre-warning or return visit. It is a system that works well at keeping people vigilant about minding the time they are parked in parking spaces.

This parking control model could be applied to eight minor, non-structural property code violations. The system of writing tickets upon finding a violation should be applied to the following categories:

1. Animal Sanitation
2. Boulevard Maintenance (Excluding Grass Too Long)*
3. Equipment Storage
4. Exterior Yard Maintenance (Excluding Grass Too Long)*
5. Unapproved Signs
6. Trash Containers
7. Vehicle Parking
8. Grass Too Long*

Using data from January through October from 2012 and 2013. We could estimate that these eight categories of property violations would occur 1,515 times in a year. At \$30 per ticket, this would generate an estimated \$45,450 per year in new revenue for the city in 2014. As a consequence, we could reduce our levy by \$45,450 if this amendment is passed to make these violations “ticket-able” without a warning letter.

Only ten months worth of data were available, leaving out counts from November and December. That missing data should serve to assure that this is a conservative estimate of the total annual counts for 2014. Tables 1 and 2 are attached to support the calculations.

The Council could also consider extending the authority to write tickets for these violations to city personnel besides property inspectors at a later date. Others who might be considered for this authority include police, fire inspectors and Community Development staff.

* The property code violation of “Grass Too Long” is handled by the City Engineering Department. So, numbers for this violation were unavailable.

2013 Categorized Monthly Complaint Violation Breakdown

	January	February	March	April	May	June	July	August	September	October	Year Total
Accessory Buildings	1	1	4	9	19	29	47	22	22	46	200
Animal Sanitation	4	0	7	7	1	2	0	1	2	0	24
Boulevards	8	13	8	26	62	17	22	18	23	27	224
Bushes/Hedges/Shrubs	0	0	0	0	0	1	1	2	0	0	6
Equipment Storage	6	2	5	8	3	7	7	13	13	17	81
Exterior of Buildings	3	6	13	18	19	18	66	39	38	59	279
Exterior Yards	41	9	19	50	44	56	42	55	51	56	423
Fences, Walls, Etc.	1	1	0	2	3	2	1	5	2	5	22
House Numbers	2	0	4	1	1	2	3	3	0	6	22
Interior Housing	2	60	5	3	3	29	60	2	0	1	165
Porches	9	9	7	8	8	8	6	11	8	12	85
Unfit Postings	0	0	1	1	1	1	3	4	3	0	14
Signs	0	0	2	0	0	0	0	0	2	2	5
Trash Containers	3	1	1	7	7	15	9	8	8	14	73
Vehicles	88	34	41	63	35	30	42	49	45	59	486
Other	1	1	3	1	3	0	8	4	4	1	26
Total	169	137	120	204	209	217	317	236	221	306	2136

2012 Categorized Monthly Complaint Violation Breakdown

	January	February	March	April	May	June	July	August	September	October	Year Total
Accessory Buildings	0	4	2	5	11	8	5	18	9	24	86
Animal Sanitation	0	7	2	0	0	0	1	1	0	1	12
Boulevards	29	13	18	51	23	27	21	31	25	18	256
Bushes/Hedges/Shrubs	1	0	0	0	9	2	3	4	4	1	24
Equipment Storage	6	1	3	14	11	12	7	5	7	15	81
Exterior of Buildings	5	9	14	11	22	11	11	15	6	36	140
Exterior Yards	23	30	55	70	50	34	46	42	34	39	423
Fences, Walls, Etc.	1	1	1	3	4	1	2	1	1	3	18
House Numbers	1	5	3	6	2	2	8	4	3	0	34
Interior Housing	0	9	12	15	21	14	1	0	0	13	85
Porches	11	12	17	15	15	10	11	23	15	10	139
Unfit Postings	0	0	0	0	0	2	4	5	1	1	17
Signs	2	1	0	0	1	2	0	0	0	0	7
Trash Containers	44	56	31	38	39	26	47	36	41	4	362
Vehicles	53	42	59	69	62	55	59	53	53	68	573
Other	2	1	2	4	1	2	1	3	1	1	18
Total	178	191	219	301	273	210	227	241	200	235	2275

Data compiled by the Inspections Department for the Public Health & Safety Committee meeting on 11/19/2013

**SELECT PROPERTY CODE VIOLATIONS
JANUARY THOUGH OCTOBER**

Table 2

Property Code Violation List	2012	2013	Average
Animal Sanitation	12	24	18.0
Boulevard Maintenance (Excluding Grass Too Long)*	256	224	240.0
Equipment Storage	81	81	81.0
Exterior Yard Maintenance (Excluding Grass Too Long)*	423	423	423.0
Unapproved Signs	7	5	6.0
Trash Containers	362	73	217.5
Vehicle Parking	573	486	529.5
Grass Too Long*	n/a	n/a	n/a
Totals	1714	1316	1515

* "Grass Too Long" is handled by the Engineering Department and not the Inspections Department.
Data on Grass Too Long was not available from the Inspections Department.

Violation	WMC Section	Notice Required under Current Ordinance
Animal Excreta	8.08.220, Removal of animal excreta	No
Boulevard Maintenance	6.44.080, Noncollectible materials 6.44.090, Storing of refuse	No Yes, for removal by city and costs charged to the property
Equipment Storage	12.44.020, Obstructions and encroachments prohibited 23.12.130, Off-street parking in yards	Yes, for removal by the city and costs charged to the property. No
Exterior Yard Maintenance (Excluding Grass)	23.12.133 Storage of recreational equipment in yards 6.44.080, Noncollectible materials 6.44.090, Storing of refuse	No No Yes, for removal by the city and costs charged to the property.
Unapproved Signs	15.48.030, Permit required 15.48.120, Location	No No
Trash Containers	6.44.060. Location of waste and recycling containers for collection 6.44.040, Solid waste containers (c), Location of waste containers on property	No No
Vehicle Parking Unregistered and Junk Vehicles Off Street Parking in Yards Storage of Recreational Equipment in Yards	16.04.035, Vehicles 23.12.130(a), Off-street parking in yards 23.12.133, Storage of recreational equipment	Yes, as this is a BOCA Code violation. No No
Weeds and Grass/Too Long	6.48.010, Mowing required	Only if to be remedied by DPW and charged to tax rolls

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Amending, repealing and creating the following sections of the Wausau Municipal Code to implement enforcement program for certain minor non-structural property code violations:

Amending Section 1.01.025(c)(1)(B) and (C) Issuance of citations, Section 2.20.010 Purpose, Section 2.20.040 Uniform ordinance violation citation, Section 6.44.040 Solid waste containers, Section 6.44.060 Location of waste and recycling containers for collection, Section 6.44.080 Noncollectible materials, Section 6.44.100 Enforcement, Section 6.48.010 Mowing required, Section 6.48.020 Mowing by city, Section 8.08.220 Removal of animal excreta, Section 15.04.010 Created, Section 15.48.030 Permit required, Section 16.04.010 Housing code adopted, Section 16.04.020 Enforcement of BOCA Code by Marathon County, Section 16.04.035 Vehicles, Section 23.12.130 Off-street parking in yards, Section 23.12.133 Storage of recreational equipment in yards

Creating Section 6.48.040 Penalty

Repealing and recreating Section 6.44.090 Storing of refuse

Repealing Section 6.44.110 Penalties, Section 16.04.015 Section H-104.4 deleted, Section 16.04.016 Section H-301.7 A deleted

Committee Action: Approved 4-1

Ordinance Number:

Fiscal Impact: None

File Number: 14-0407

Date Introduced: April 8, 2014

The Common Council of the City of Wausau do ordain as follows:

Add ()

Delete ()

Section 1. That Section 1.01.025 Issuance of citations, is hereby amended to read as follows:

1.01.025 Issuance of citations.

....

(c) Schedule of cash deposits.

(1) A schedule of cash deposits is established as follows:

....

(B) For violations of all ordinances other than those governed by the
aforescribed Uniform State Deposit Schedule ~~and other than ordinances in Titles 15
and 16 of this code~~ and except as provided in subsection (C), the cash deposit

schedule shall be as follows:

<u>Ord. No.</u>	<u>Offense</u>	<u>Deposit</u>
8.08.200	Dangerous animals	75.00
8.08.220	Failure to pick up dung, or deposit on public or private property	75.00 30.00
<i>Other Common Violations</i>		
5.64.034	(a) Server under the influence	50.00
	(c) Failure to close licensed premises	50.00
	Second or subsequent violations of sub (a) or (c)	200.00
6.44.040 (c)	Location of waste container violations	30.00
6.44.060	Waste container curbside hour violations	30.00
6.44.080	Noncollectible materials	30.00
6.44.090	Storing of refuse	30.00
6.48.010	Failure to mow	30.00
8.08.255	Feeding deer	50.00
....		
10.01.060	One-way street violation	30.00
12.44.020	Obstructions and encroachments of public rights of way	30.00
12.44.030	Obstruction by railroads	1,000.00
12.52.020	Placing snow on streets, alleys, etc.	10.00
15.48.030	Unapproved signs	30.00
15.48.120	Signs on city property	50.00 30.00
16.04.035	Unregistered, unlicensed and junk vehicles	50.00
17.08.010	(h) Nonoperational smoke detector (per floor or basement level)	10.00
	(h) Failure to install (per floor or basement level)	50.00
23.12.130	Off-street parking in yards	30.00
23.12.133	Storage of recreational equipment in yards	30.00

(C) For violations of ordinances contained in Chapters 15 and 16 of this Code other than as specifically set forth in subsection (c)(1)(B) above, and for all ordinances other than those aforescribed, the cash deposit schedule shall be \$100.

Section 2. That Section 2.20.010 Purpose, is hereby amended to read as follows:

2.20.010 Purpose. A uniform procedure for enforcement of municipal rules, regulations and laws is a purpose of this chapter. It also grants authority to certain department heads to cause actions to be initiated. This chapter does not apply to enforcement by police department personnel **except as otherwise specifically provided**. Wherever the term city attorney appears, it includes assistants and special counsel.

Section 3. That Section 2.20.040 Uniform ordinance violation citation, is hereby amended to read as follows:

2.20.040 Uniform ordinance violation citation. The following officials may issue, on information and belief or on their own knowledge, a uniform ordinance violation citation, pursuant

to

Section 66.01193 of the Wisconsin Statutes for violations of ordinances directly relating to their official responsibilities:

Building inspector	Fire inspector
Director of inspections and electrical systems	Housing inspector
City forester	Plumbing inspector
Director of parks	Public works director
Electrical inspector	Employee assigned duties and responsibilities of sidewalk
Engineer	Treasurer
Finance director	Utilities director

The public health and safety committee is delegated authority to authorize the officials designated in this section to name subordinates who may also issue such citations directly relating to their official responsibilities.

Section 4. That Section 6.44.040 Solid waste containers, is hereby amended to read as follows:

6.44.040 Solid waste containers.

....

(c) Location of Waste Containers on Property. No waste containers of any type shall be located at any time in any required front yards or corner side yards. No refuse containers of any type shall be located so that they are visible from the front of the property, except in compliance with section 6.44.060. The property owner, occupant, or other person in charge of the property shall be responsible for violations of this section.

Section 5. That Section 6.44.060 Location of waste and recycling containers for collection, is hereby amended to read as follows:

6.44.060 Location of waste and recycling containers for collection. The nonrecyclable and recyclable solid waste containers shall be set out at the curb-side collection point by residential unit owners, occupants, or other persons in charge of the residential unit, or as directed by the city, or by the collector. During the winter months, the owner, occupant, or other person in charge of the residential unit(s) shall provide a travel way to the containers which is free of snow. Containers shall not be placed out at the curb-side collection point prior to five p.m. of the day prior to the collection day, and the containers shall not be left at the curb-side collection point after eight a.m. of the day after the collection day. The property owner, occupant, or person in charge of the residential

unit shall be responsible for violations of this section.

Section 6. That Section 6.44.080 Noncollectible materials, is hereby amended to read as follows:

6.44.080 Noncollectible materials. (a) ~~No person shall set out~~ The following materials shall not be set out for collection:

....

(b) These materials shall be disposed of by the property owner, occupant of the property, or other person in charge of the property by contacting a licensed hauler of the specified item or as otherwise provided by law.

(c) The property owner, occupant of the property, or other person in charge of such property shall be responsible for violations of this section.

Section 7. That Section 6.44.090 Storing of refuse, is hereby repealed and recreated to read as follows:

6.44.090 Storing of refuse. (a) Any accumulation of solid waste or noncollectible materials as defined in section 6.44.080 on any premises in the city is declared to be a nuisance and is prohibited under this chapter. Additionally, storing lumber openly on the premises is prohibited without a current building permit.

(b) The premises owner, occupant of the premises, or other person in charge of such premises shall be responsible for any violations of this section and is subject to the penalties provided in section 6.44.100.

(c) In addition to the penalties in section 6.44.100, the owner of the premises is responsible for removal of any accumulation of solid waste or noncollectible materials as defined in section 6.44.080, and upon failure to remove such materials after written notice from the county health officer or his/her designee or the chief of the fire department or his/her designee or chief inspector/zoning administrator or his/her designee, the city will cause the removal of the accumulation and assess the charges for such removal to the owner(s) of the premises where the accumulation occurred.

Section 8. That Section 6.44.100 Enforcement, is hereby amended to read as follows:

6.44.100 Enforcement and penalties.

....

(c) Penalties for violating this chapter may be assessed as follows:

(1) Any person who violates section 6.44.020(b), (c) or (d) or section 6.44.030(e)(2) (A) through (G) may be required to forfeit fifty dollars for a first violation, two hundred dollars for a second violation, and not more than two thousand dollars for a third or subsequent violation.

(2) Any person who violates a provision of this chapter, except **section 6.44.020(b), (c) or (d) or** section 6.44.030(e)(2) (A) through (G) may be required to forfeit not less than ten dollars nor more than one thousand dollars for each violation.

~~(3) — Any person who violates section 6.44.030(e)(2)(A) through (G) after December 31, 1996, may be required to forfeit fifty dollars for a first violation, two hundred dollars for a second violation, and not more than two thousand dollars for a third or subsequent violation.~~

(4 **3**) The forfeiture and penalties provided herein shall not be construed as prohibiting other methods of enforcing this chapter including, but not limited to, injunctions and other forms of relief available to the city.

Section 9. That Section 6.44.110 Penalties, is hereby repealed.

Section 10. That Section 6.48.010 Mowing required, is hereby amended to read as follows:

6.48.010 Mowing required. No person owning property **or occupant of property** within the city shall permit to grow or pollinate upon ~~his~~ **the** premises any weeds, grasses or brush which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or may conceal filthy deposits or provide a place for the accumulation of trash or litter. In order to prevent such growth and pollination, it shall be the duty of every property owner **or occupant of property** to mow or cause to be mowed upon ~~his~~ **the** premises all grasses, weeds and brush exceeding one foot in height. The provisions of Section 66.0407 of the Wisconsin Statutes are incorporated herein by reference. Any golf course located wholly within the City of Wausau shall be exempt from the mowing requirement of this provision.

Section 11. That Section 6.48.020 Mowing by city, is hereby amended to read as follows:

6.48.020 Mowing by city. It shall be the duty of the employee assigned the duties and responsibilities of the weed commissioner to enforce this chapter, and if any person shall fail to comply herewith, the employee shall, after five days' written notice to the owner **of the property**, cause the premises to be mowed and report the cost thereof in writing to the city clerk in the manner provided in Section 66.0517 of the Wisconsin Statutes. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless such lands are exempt from taxation.

Section 12. That Section 6.48.040 Penalty, is hereby created to read as follows:

6.48.040 Penalty. In addition to the provisions of section 6.48.020, any owner or occupant of property who violates the provisions of section 6.48.010 may be issued a citation by the city and may be required to forfeit not less than ten dollars nor more than two hundred dollars for each violation. The property owner or occupant of the property shall be responsible for violations of section 6.48.010.

Section 13. That Section 8.08.220 Removal of animal excreta, is hereby amended to read as follows:

8.08.220 Removal of Animal Excreta. (a) The owner or person having immediate care, custody or control of any animal shall promptly remove and dispose of, in a sanitary manner, any

excreta left or deposited by the animal upon any public or private property.

(b) No person shall permit animal excreta to accumulate on any real property or premises owned or occupied by such person.

(bc) It is unlawful for any person to permit an animal to be on public property or private property whether or not owned or possessed by such person, unless such person has, in his immediate possession, an appropriate means of removing animal excreta.

Section 14. That Section 15.04.010 Created, is hereby amended to read as follows:

15.04.010 Created. There is created a building inspection department, consisting of a building advisory board, a building inspector, a heating and ventilating inspector and such other personnel as may be necessary for the operation of the department. The department shall be responsible for the enforcement of this chapter, the laws of the state, the applicable orders, rules and regulations of the Wisconsin Department of Safety and Professional Services, and the applicable ordinances, resolutions and orders of the city. Additionally, the chief of police and any employee within the table of organization of the police department specifically delegated authority by the chief of police may enforce the provisions of sections 15.48.030 and 15.48.120 and issue citations or notices related thereto.

Section 15. That Section 15.48.030 Permit required, is hereby amended to read as follows:

15.48.030 Permit required. Except as otherwise provided in sections 15.48.070 through 15.48.090, no sign shall hereafter be constructed, erected, altered, or maintained, or permitted to be constructed, erected, altered, or maintained except as provided in these requirements this chapter nor until a permit for same has been obtained and the fee for such permit paid. The property owner, occupant of the property, or other person in charge of the property shall be responsible for violations of this section.

Section 16. That Section 16.04.010 Housing code adopted, is hereby amended to read as follows:

16.04.010 Housing code adopted. (a) The BOCA Basic Housing-Property Maintenance Code, Third Addition, 1975, Copyright, Building Officials Conference of America, Inc., 1313 East 60th Street, Chicago, Illinois, is adopted by reference and incorporated in this chapter with the exception of the following sections which are deleted from the provisions of this chapter:

(1) Section H-104.4; and

(2) Section H-301.7 A.

(b) The provisions of the BOCA Code including but not limited to sections H-104.1 through H-104.3, shall not apply to violations of section 16.04.035 of this chapter.

Section 17. That Section 16.04.015 Section H-104.4 deleted, is hereby repealed.

Section 18. That Section 16.04.016 Section H-301.7 A deleted, is hereby repealed.

Section 19. That Section 16.04.020 Enforcement of BOCA Code by Marathon County, is hereby amended to read as follows:

16.04.020 Enforcement of BOCA Code by Marathon County. ~~This~~ **The** county health officer, or his designee, shall have the power to enforce the provisions of the following provisions of the BOCA Code:

H-301.2, H-301.5, H-303.6, H-303.7, H-303.7.1, H-303.7.2, H-303.7.3, H-400.5, H-400.6, H-401.2.1, H-500.2, H-500.3, H-500.4, H-310.4, H-302.9, H-302.9.1, H-302.9.2, H-302.2, H-104.1, H-104.2, H-104.3, H-105.1, H-105.2, H-105.3, Article 2, H-302.4, H-302.7, and H-303.8.

Section 20. That Section 16.04.035 Vehicles, is hereby amended to read as follows:

16.04.035 Vehicles. (a) Unregistered and Unlicensed Motor Vehicles. **No motor vehicle that is unregistered, has expired registration, or does not have license plates which are currently registered to that vehicle displayed thereon, including a current registration sticker, shall be parked on any premises in a residential zone except a motor vehicle parked in an enclosed building.**

~~(1) — Residence Zones. No person shall park or permit any other person to park any motor vehicle, except a motor vehicle parked in an enclosed building, on any premises in a residential zone, if the vehicle:~~

~~(A) — Is unregistered; or~~

~~(B) — Has expired registration; or~~

~~(C) — Does not have license plates which are currently registered to that vehicle, displayed thereon, including a current registration sticker.~~

(b) Junk Vehicles

(1) At no time shall any vehicle be in any state of major disassembly, disrepair, or shall it be in the process of being stripped or dismantled **on any premises in a residential zone.** At no time shall any vehicle of any type undergo major overhaul, including body work, in a residential ~~district~~ **zone.**

(2) In any business, commercial or industrial zone at no time shall any vehicle be in any state of major disassembly, disrepair, or shall it be in the process of being stripped or dismantled. At no time shall any vehicle of any type undergo major overhaul, including body work, in a business, commercial or industrial zone, except at an approved automobile establishment.

(c) The property owner, occupant of the property, or other person in charge of the property shall be responsible for violations of this section.

Section 21. That Section 23.12.130 Off-street parking in yards, is hereby amended to read as follows:

23.12.130 Off-street parking in yards. It is recognized that residential off-street parking and the outside storage of recreational equipment not in conformance with these regulations, especially in

residential front yards and corner side yards, is a public nuisance and prohibited under this chapter.

....

(d) The property owner, occupant of the property or other person in charge of such property shall be responsible for violations of this section.

Section 22. That Section 23.12.133 Storage of recreational equipment in yards, is hereby amended to read as follows:

23.12.133 Storage of recreational equipment in yards.

....

(b) ~~No person shall park or store any r~~Recreational equipment shall not be parked or stored within the front yard or corner side yard of any residence zoning district unless the equipment is parked on a driveway which meets the surfacing requirements of section 23.12.140(b). Recreational equipment may be stored on any type of surface in the rear yard or the interior side yard areas.

....

(d) The property owner, occupant of the property or other person in charge of such property shall be responsible for violations of this section.

Section 23. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 24. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, March 17, 2014, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen (C), Gisselman, Kellbach, Winters, Wagner

Others Present: Alfonso, Hebert, Borchardt, Rayala, Hardel, Barnes, Marquardt, Werth, Goede, Nagle, Oberbeck, Dick Holster, Johnathan Frost, Phil Valitchka, Jennifer Maerz, David Raab.

Discussion and possible action on immediate enforcement of certain property violations including:

- a. **Amending, repealing and creating sections of the Wausau Municipal Code to implement enforcement program for certain minor, non-structural property code violations:**
Amend Section 1.01.025(c)(1)(B) and (C) Issuance of citations, Section 2.20.010 Purpose, Section 2.20.040 Uniform ordinance violation citation, Section 6.44.040 Solid waste containers, Section 6.44.060 Location of waste and recycling containers for collection, Section 6.44.080 Noncollectible materials, Section 6.44.100 Enforcement, Section 6.48.010 Mowing required, Section 6.48.020 Mowing by city, Section 8.08.220 Removal of animal excreta, Section 15.04.010 Created, Section 15.48.030 Permit required, Section 16.04.010 Housing code adopted, Section 16.04.020 Enforcement of BOCA Code by Marathon County, Section 16.04.035 Vehicles, Section 23.12.130 Off-street parking in yards, Section 23.12.133 Storage of recreational equipment in yards; Create Section 6.48.040 Penalty; Repeal and recreate Section 6.44.090 Storing of refuse; Repeal Section 6.44.110 Penalties, Section 16.04.015 Section H-104.4 deleted, Section 16.04.016 Section H-301.7 A deleted.
- b. **Create Section 2.20.045, Enforcement of certain Property violations.**

Alfonso indicated she set some fines at \$30 and junk vehicles at \$50, but they were free to change it if they wish.

Dave Oberbeck questioned to what extent this was an issue, as far as garbage cans being left out, that we are actually going to fine people for it. Someone may be working and unable to put it away and will get cited for \$30. He had an issue with penalizing everyone and not solving the problem. He felt we seem to be creating more and more ordinances lately.

Lt Barnes clarified that currently citizens of Wausau receive \$124 citation for not having their refuse containers brought back in; that's assuming they are issued a citation for it. He explained one of the reasons we wanted this type of fine structure is because it is far more reasonable to issue a \$30 citation than one for \$124, which is very high. The \$30 citation allows the CSO's to have a conversation and not have people so upset with them that they are refusing to listen. He stated part of the plan is to work with these residents to make sure that these issues no longer exist, but at some point there has to be some type of punitive forfeiture available as part of that process.

Barnes indicated there will be a lot of time spent training the CSO's on when and how to use discretion in writing citations. The intention is to change behaviors, not just to punish and fine people. Wagner felt this is exactly what we as a community need because the face-to-face communication and educational elements are what have been missing. Barnes noted the CSO's have the option, depending on how egregious or repetitive the situation is, to choose between the \$30 ticket and a municipal citation for \$135 with court costs associated with it.

Rasmussen questioned if we can have the communication with residents without the fines. She was concerned about new residents who may not be aware of all the regulations. Oberbeck stated ordinance is for an "immediate citation," so if you don't write the citation you are selectively enforcing. He felt the ordinance should provide for a certain amount of direct contacts and then a citation, rather than picking and choosing. Barnes stated he had faith in his CSO's ability and sometimes the citation will be immediate. Winters stated he was very comfortable with this as presented and with the discretion.

Winters stated the violations on this list make up about 70% of the warning letters that were issued by the Inspections staff in 2013. If we are able to hire CSO's for neighborhood patrols, this is going to be a significant lifting of work load for the Inspections staff and free them up to work on the program for landlord licensing. He commented hiring temporary employees and an additional clerical employee will cost money and he would rather it came from the people causing the problems before going to the general tax payer.

Motion by Winters, second by Wagner to approve ordinances on immediate enforcement of certain property violations. Motion carried 4-1 (*Rasmussen was the dissenting vote.*)